

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

17548 U.S. PTO  
10/721830

Sir:  
17548  
10/721830

Transmitted herewith for filing is the patent application of:

Inventor: Daniel E. E. Hayes, Jr. et al.

For: BIMETAL TIBIAL COMPONENT CONSTRUCT FOR KNEE JOINT PROSTHESIS

Enclosed are:

- ☒ 3 sheets of drawings.  
☐ An assignment of the invention to: \_\_\_\_\_  
☐ A verified statement to establish small entity status.  
☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity				Large Entity		
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				\$385.00		\$770.00
Total Claims	11 - 20	0	x \$ 9.00		x \$18.00	0.00
Ind. Claims	1 - 3	0	x \$43.00		x \$ 86.00	0.00
Mult. Claims			+ \$145.00		+ \$290.00	
Total				\$385.00		

☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee (and assignment recording fee) is enclosed.

☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

- ☐ Any additional filing fees required under 37 CFR 1.16.  
☐ Any patent application processing fees under 37 CFR 1.17.

☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to **Deposit Account No. 16-0221**. A duplicate copy of this sheet is enclosed.

- ☐ Any patent application processing fees under 37 CFR 1.17.  
☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).  
☐ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

*Mark J. Pandiscio 11/25/03*  
 Mark J. Pandiscio  
 Pandiscio & Pandiscio  
 470 Totten Pond Road  
 Waltham, Massachusetts 02154  
 Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Daniel E. E. Hayes, Jr. et al.  
Serial No.: 09/910,646  
Filing Date: 07/19/2001  
Title: BIMETAL TIBIAL COMPONENT CONSTRUCT FOR  
KNEE JOINT PROSTHESIS  
Group Art Unit: 3738  
Examiner: Suzette Jamie Jackson  
Attorney's Docket No.: HAYES-3

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts  
County of Middlesex

I, Mark J. Pandiscio, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 09/910,646, filed 07/19/2001, and that the enclosed application is a true and complete copy of the prior application Serial No. 09/910,646 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 09/910,646 introduced new matter therein.

Mark J. Pandiscio 11/25/03  
Mark J. Pandiscio  
Registration No. 30,883

Sworn to before me this 25<sup>th</sup> day of November, 2003.

Heather Gold  
Notary Public  
My commission expires: 4/17/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Daniel E. E. Hayes, Jr. et al.  
Serial No.: 09/910,646  
Filing Date: 07/19/2001  
Title: BIMETAL TIBIAL COMPONENT CONSTRUCT FOR  
KNEE JOINT PROSTHESIS  
Group Art Unit: 3738  
Examiner: Suzette Jamie Jackson  
Attorney's Docket No.: HAYES-3

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the above-identified patent application, consisting of Figs. 1-3 on three (3) sheets of drawings.

In the event that any fee is required to be paid in connection with the present submission of formal drawings, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

 11/25/03

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060  
Fax (781) 290-4840

KK/HAYES3CON.DRW

HAYES-3 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Daniel E. E. Hayes, Jr. et al.  
Serial No.: 09/910,646  
Filing Date: 07/19/2001  
Title: BIMETAL TIBIAL COMPONENT CONSTRUCT FOR  
KNEE JOINT PROSTHESIS  
Group Art Unit: 3738  
Examiner: Suzette Jamie Jackson  
Attorney's Docket No.: HAYES-3

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/910,646, filed 07/19/2001 by Daniel E. E. Hayes, Jr. et al. for BIMETAL TIBIAL COMPONENT CONSTRUCT FOR KNEE JOINT PROSTHESIS.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 09/910,646 (including specification, claims, drawings, and an unsigned Declaration and Power of Attorney) as originally filed;
2. A copy of a RESPONSE TO MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, as filed in said prior pending Application Serial No. 09/910,646;
3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 09/910,646 is a complete and true copy;

HAYES-3 CON

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/910,646, filed 07/19/2001 by Daniel E. E. Hayes, Jr. et al. for BIMETAL TIBIAL COMPONENT CONSTRUCT FOR KNEE JOINT PROSTHESIS;

5. A SUBMISSION OF FORMAL DRAWINGS; and

6. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on November 25, 2003 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior applications Serial No. 09/910,646.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

*Mark J. Pandiscio 11/25/03*

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel (781) 290-0060  
Fax (781) 290-4840

KK/HAYES3CON.REQ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Daniel E. E. Hayes, Jr. et al.  
Serial No.: 09/910,646  
Filing Date: 07/19/2001  
Title: BIMETAL TIBIAL COMPONENT CONSTRUCT FOR  
KNEE JOINT PROSTHESIS  
Group Art Unit: 3738  
Examiner: Suzette Jamie Jackson  
Attorney's Docket No.: HAYES-3

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being  
filed under the provisions of 37 CFR 1.10.

\*EXPRESS MAIL\* MAILING LABEL NUMBER ER492944883US

DATE OF DEPOSIT November 25, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED  
TO THE COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA,  
VA 22313-1450.

Mark J. Pandiscio

(PERSON MAILING)

*Mark J. Pandiscio* 11/25/03  
(SIGNATURE)

KK/HAYES3CON.FIL

Respectfully submitted,

*Mark J. Pandiscio* 11/25/03

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02154  
Tel. (781) 290-0060

Assistant Commissioner For Patents  
Washington, D.C. 20231

Case Docket No.: HAYES-3

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Daniel E. E. Hayes, Jr. et al.

For: BIMETAL TIBIAL COMPONENT CONSTRUCT FOR KNEE JOINT PROSTHESIS

Enclosed are:

☒ 3 sheets of drawings.

☐ An assignment of the invention to: \_\_\_\_\_

☐ A verified statement to establish small entity status.

☐ \_\_\_\_\_

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
Basic Fee				\$355.00		\$0.00
Total Claims	11 - 20	0	x \$ 9.00	0.00	x \$18.00	0.00
Ind. Claims	1 - 3	0	x \$40.00	0.00	x \$ 80.00	0.00
Mult. Claims			+ \$135.00		+ \$270.00	
Total				\$355.00		

☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$ 355.00 to cover the filing fee (and assignment recording fee) is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 CFR 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

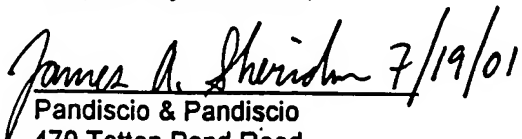
☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

☒ Any patent application processing fees under 37 CFR 1.17.

☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02451-1914  
Tel. (781) 290-0060

JES/HAYES3.FEE

HAYES-3